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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,012	12/11/2006	Jorge Abellan Sevilla	526801-57PUS	6077

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EXAMINER
MAHMOOD, REZWANUL

ART UNIT	PAPER NUMBER
2164	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/561,012	ABELLAN SEVILLA ET AL.
	Examiner	Art Unit
	REZWANUL MAHMOOD	2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *14 February 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4 and 6-9* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-4 and 6-9* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This action is in response to the communication received on February 14, 2008.

Claims 1-4 and 6-9 are pending in this office action.

Response to Arguments

Applicant's arguments with respect to claims 1 - 4 and 6 - 9 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 1 and 9 are objected to because of the following informalities:

In line 1 of claims 1 and 9, the phrase "A method" should be "A computer-

implemented method". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1 - 4 and 6 - 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kruglikov (US Patent 6,505,215) in view of Guthery (US Patent 6,824,064) and in

further view of Guthery (US Patent 6,676,022), hereinafter referred to as Guthery ('64)

and Guthery ('22).

With respect to claim 1, Kruglikov discloses a method for synchronizing a first

database stored in a mobile first data processing system and a second database stored

in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-

43; Figure 1),

said method comprising:

loading an application into said mobile first data processing system (Kruglikov:

Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-

13; Figure 1);

executing, by the loaded application, a command (Kruglikov: Abstract, lines 1-15;

Column 2, lines 22-43; Column 5, lines 2-13; Figure 1); and

requesting, by said command, that the mobile first data processing system

process a synchronizing step, said command providing the mobile first data processing system with information about synchronization parameters for use in for synchronizing content of the first and second databases (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token is coupled for communication with the mobile first data processing system, loading the application into the security token.

The Guthery ('64) reference, however, discloses claimed a security token is coupled for communication with the mobile first data processing system and an application is loaded into the security token (Guthery: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov with the teachings of Guthery to have a data processing system include a security token controlled by an operator and load an application into the security token to move the administration of simultaneous communication with multiple applications on a smart card onto the smart card itself (Guthery: Column 3, lines 19-22).

Kruglikov and Guthery ('64) do not explicitly disclose executing a command in the security token.

The Guthery ('22) reference, however, discloses a smart card capable of executing commands allowing applications existing in the smart card to interact and operate with a terminal device (Guthery '22: Column 4, lines 41-64).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to modify the teachings of Kruglikov and Guthery ('64) with the teachings of Guthery ('22) to execute commands by loaded application in the security token or smart card for processing commands in a smart card (Guthery '22: Column 2, lines 62-63).

With respect to claim 2, Kruglikov in view of Guthery ('64) and in further view of Guthery ('22) discloses the method according to claim 1, wherein the information includes an identifier of the second database to be synchronized (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-13; Fig 1).

With respect to claim 3, Kruglikov in view of Guthery ('64) and in further view of Guthery ('22) discloses the method according to claim 1, wherein the information includes a synchronization protocol to be used between the first an second data processing systems (Kruglikov: Column 6, lines 33-36; Guthery: Column 8, lines 15-20).

With respect to claim 4, Kruglikov in view of Guthery ('64) and in further view of Guthery ('22) discloses the method according to claim 1, wherein the information includes an identifier of the first database (Kruglikov: Column 2, lines 58-67; Column 3, lines 1-11).

With respect to claim 6, Kruglikov in view of Guthery ('64) and in further view of

Guthery ('22) discloses the method according to claim 1, wherein the application is informed of a synchronization result between the first and second databases (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery' 64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

With respect to claim 7, Kruglikov in view of Guthery ('64) and in further view of Guthery ('22) discloses the method according to claim 1, wherein the application is informed of a synchronization result if the synchronization result was requested in the command (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Figure 1; Guthery '64: Abstract, lines 1-7; Column 2, lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35; Guthery '22: Column 4, lines 41-64).

With respect to claim 8, Kruglikov in view of Guthery ('64) and in further view of Guthery ('22) discloses the method according to claim 1, wherein the command is a card application toolkit command (Guthery '22: Column 4, lines 41-64).

With respect to claim 9, Kruglikov discloses a method for synchronizing a first database stored in a mobile first data processing system and a second database stored in a second data processing system (Kruglikov: Abstract, lines 1-15; Column 2, lines 22-43; Figure 1),

said method comprising:

loading an application into said mobile first data processing system (Kruglikov:

Abstract, lines 1-15; Column 2, lines 22-43; Column 4, lines 14-24; Column 5, lines 2-

13; Figure 1);

executing, by the loaded application, a command (Kruglikov: Abstract, lines 1-15;

Column 2, lines 22-43; Column 5, lines 2-13; Figure 1); and

requesting, by said command, that the mobile first data processing system

process a synchronizing step, said command providing the mobile first data processing

system with information about synchronization parameters for use in for synchronizing

content of the first and second databases (Kruglikov: Abstract, lines 1-15; Column 2,

lines 22-43; Column 5, lines 2-13; Figure 1).

However, Kruglikov does not explicitly disclose:

a security token is coupled for communication with the mobile first data

processing system, loading the application into the security token.

The Guthery ('64) reference, however, discloses claimed a security token is

coupled for communication with the mobile first data processing system and an

application is loaded into the security token (Guthery '64: Abstract, lines 1-7; Column 2,

lines 1-14 and 51-57; Column 4, lines 25-29; Column 7, lines 33-35).

Therefore, it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to modify the teachings of Kruglikov with the teachings

of Guthery to have a data processing system include a security token controlled by an

operator and load an application into the security token to move the administration of

simultaneous communication with multiple applications on a smart card onto the smart

card itself (Guthery '64: Column 3, lines 19-22).

However, Kruglikov and Guthery ('64) do not explicitly disclose executing a

command in the security token.

The Guthery ('22) reference, however, discloses a smart card capable of

executing commands and applications existing in the smart card to interact and operate

with a terminal device (Guthery '22: Column 4, lines 41-64).

Therefore, it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to modify the teachings of Kruglikov and Guthery ('64)

with the teachings of Guthery ('22) to execute commands by loaded application in the

security token or smart card for processing commands in a smart card (Guthery '22:

Column 2, lines 62-63).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The Quentin reference (US Publication 2002/0193098) teaches

about a SIM Toolkit and executing commands. The Boss reference (US Publication

2005/0113139) teaches about a dynamic service application stored and executed on a

mobile communication device. The Ahlgren reference (US Patent 6,968,209) teaches

about synchronizing databases in portable communication devices. The Gruber

reference (US Publication 2003/0014633) teaches about security tokens.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to REZWANUL MAHMOOD whose telephone number is

(571)272-5625. The examiner can normally be reached on M - F 10 A.M. - 5 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Charles Rones can be reached on (571)272-4085. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. M./
Examiner, Art Unit 2164

July 3, 2008

/Charles Rones/
Supervisory Patent Examiner, Art Unit 2164